

Health Fraud

Tobacco-Related Health Fraud

All tobacco products are harmful to your health, despite what they taste, smell, or look like. Claiming less harm or reduced risk of disease from using tobacco products misleads consumers to think that these products are safe to use. FDA considers these kinds of claims to be health fraud. These kinds of claims can only be made after scientific evidence to support them has been submitted to FDA, and FDA has issued an order permitting their marketing use. **To date, no tobacco products have been scientifically proven to reduce risk of tobacco-related disease, improve safety or cause less harm than other tobacco products.**

Examples of Tobacco-Related Health Fraud

Recently, FDA issued a number of [warning letters](#) to tobacco internet retailers for illegally marketing tobacco products and using claims or descriptions that may mislead consumers by suggesting reduced harm or risk in using a tobacco product. The letters cited several, specific examples of tobacco-related health fraud including:

- Marketing, advertising or promotional claims that suggest the product is safer, healthier or less risky to use, like:
 - o “Safe Smoke Filter”
 - o “Less Toxic”
- Labels, internet sites, or other promotions that describe a tobacco product as “Light,” “Low,” or “Mild”

What is Tobacco-Related Health Fraud?

False or misleading claims in the promotion, advertising, distribution or sale of tobacco products, including suggestions that a tobacco product is safer, less harmful, contains a reduced level or is free of a harmful substance, or presents a lower risk of tobacco-related disease compared to other tobacco products.

Sections 902, 903 and 911 of the [Family Smoking Prevention and Tobacco Control Act](#) provide more information.





Health Fraud Example 2: The fictional ABC Cigarette promotion describes their product as "light," and claims that the filter "removes seven times more tar and nicotine." These claims may be misleading, suggesting a reduced harm. Both of these claims require scientific evidence and an order from FDA before they can be used.

Health Fraud Example 1: While the fictional XYZ brand of smokeless tobacco displays the required warning statement, the label also states that XYZ brand is a "less toxic product." This is an example of health fraud unless this claim was submitted to FDA with supporting scientific evidence and FDA issued an order.

Report Violations

If you see tobacco retailers market or promote their products as “light,” “low,” “mild” or somehow safer to consume, please report it immediately to:

- CTPcompliance@fda.hhs.gov or
- 1-877-287-1373 begin_of_the_skype_highlighting 1-877-287-1373 end_of_the_skype_highlighting Option 3

Appropriate enforcement actions will be pursued to protect public health once violations are verified.

Related Regulatory, Guidance & Compliance Information

- [Overview of the Family Smoking Prevention and Tobacco Control Act](#)
- Sections 902, 903 and 911 of the [Tobacco Control Act](#)
- [Guidance for Industry and FDA Staff: Use of “Light,” “Mild,” “Low,” or Similar Descriptors in the Label, Labeling, or Advertising of Tobacco Products](#)
- [Letters to Tobacco Manufacturers on Tobacco Products Labeled or Advertised with the Descriptors “Light,” “Low,” “Mild,” or Similar Descriptors](#)
- [Warning Letters Sent from FDA about Tobacco-Related Health Fraud](#)